REMARKS/ARGUMENTS

Status of Claims

Claims 22 and 47-48 have been amended.

Claim 32 has been canceled.

As such, claims 1-31 and 33-48 are pending in this application.

Applicants hereby request further examination and reconsideration of the presently claimed application.

Allowable Subject Matters

Applicants note with appreciation that claims 9 and 10 would be allowable if rewritten in independent form.

Objections to the Drawings

The Examiner objected to the drawings filed by Applicants on July 30, 2003, for failure to show every feature of the invention specified in the claims. In response, Applicants add Figure 12 to address the Examiner's objections and amend the specification accordingly. Applicants submit concurrently herewith *Replacement Sheets* for Figures 1 to 11 and *New Sheet* for Figure 12. No new matter is introduced by way of the amendment. Applicants respectfully request approval of the *Replacement and New Drawings*.

Claim Objections

Claims 22 and 47 have been amended and claim 32 has been canceled to address the objections thereto.

Claims Rejection – 35 USC §102

Claims 1-3, 5, 8, 11-16, 18, 20-22, 24, 28-31, 34, 37-44, and 46-48 stand rejected as being anticipated by *Nobileau* (US 5,337,823). Applicants respectfully submit that *Nobileau* does not establish a *prima facie* case of anticipation as to the pending claims. According to MPEP § 2131, "[a] claim is anticipated only if each and every element as set forth in the claim is

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found, either expressly or inherently described, in a single prior art reference." Applicants respectfully submit that *Nobileau* does not teach each and every element set forth in independent claims 1, 29, and 46. Specifically, claims 1, 29, and 46 each recite a carrier and a sleeve. Furthermore, each independent claim contains further language defining the structural relationship between the carrier and the sleeve:

> Claim 1 recites "a carrier configured to hold a tubular sleeve" and "positioning the tubular sleeve within an interior of the carrier";

> Claim 29 recites "a carrier configured to hold the tubular sleeve within its interior"; and

> Claim 46 recites "positioning the sleeve in an undeployed state within an interior of the carrier".

As is facially clear from the recited claim language, the carrier and the sleeve are separate components wherein the tubular sleeve may be disposed within the interior of the carrier. *Nobileau* does not teach or suggest a carrier and a sleeve, but rather at most teaches a single component, namely a casing/preform.

The Examiner appears to be taking the position that the filamentary structure 5 and 5' is the same as Applicants' sleeve and that the outer envelope 7 is the same as Applicants' carrier. Applicants respectfully submit that this simply is not a proper reading of *Nobileau*. In contrast to a carrier and a sleeve, *Nobileau* discloses at most a single component, namely a casing 2. As shown in Figures 3A and 3B and described at col. 8, lines 6-22, the casing 2 comprises a sheet of longitudinal fibers 5 woven with filaments 5' disposed between an inside envelope 6 and an outside envelope 7. *Nobileau* further refers to the casing as a tubular preform comprising a flexible and watertight inner and outer envelopes having a reinforcing filamentary structure

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confined between the two envelopes (see col. 2, lines 36-45 and col. 3, lines 38-42). *Nobileau*

further discloses that the preform is folded lengthwise (see col. 2, lines 54-55), lowered into the

wellbore (see e.g., col. 5., lines 1-2), and filled with fluid to cause it to take up its cylindrical

shape (see e.g., col. 5, lines 6-7). Once filled, the casing/preform forms a rigid tube in situ (see

col. 2, lines 39-40) that remains in the wellbore and serves as a casing for the wellbore.

This disclosure, taken as a whole, is clear that *Nobileau* teaches a single component,

namely a flexible casing/preform that may be folded and subsequently placed and inflated in the

wellbore, which at most may be the same as or equivalent to Applicants' sleeve. However,

Nobileau does not teach or suggest that the flexible casing/preform may be disposed within the

interior of a carrier in order to be placed within the wellbore, as is recited in each of the

independent claims. Given that *Nobileau* does not teach or suggest each and every element of

the independent claims 1, 29, and 46 (and likewise the claims depending there from), Applicants

respectfully submit that claims 1-3, 5, 8, 11-16, 18, 20-22, 24, 28-31, 34, 37-44, and 46-48 are

not anticipated by *Nobileau*.

Claims Rejection – 35 USC §103

Claims 4, 6-7, 17, 19, 23, 25-27, 33, 35-36, and 45 stand rejected under 35 USC §103(a) as

being obvious over *Nobileau* (US 5,337,823) in view of various secondary references, namely in

view of *Song* et al. (US 5,833,001) or in view of *Whanger* et al. (US 6,834,725) or in view of

Kalman et al. (US 2004/0144535) or in view of *Bertet* et al. (US 5,695,008). Applicants

respectfully submit that the combination of *Nobileau* with various of the secondary references

does not establish a *prima facie* case of obviousness as to claims 4, 6-7, 17, 19, 23, 25-27, 33,

35-36, and 45. According to MPEP 2142, three basic criteria must be met to establish a *prima

facie* case of obviousness:

> First, there must be some suggestion or motivation, either in the references themselves
> or in the knowledge generally available to one of ordinary skill in the art, to modify the
> reference or to combine reference teachings. Second, there must be a reasonable

expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Assuming for sake of argument that the combination of *Nobileau* with various of the secondary references is proper (and without conceding such), the Examiner has nonetheless failed to establish a prima facie case of obviousness as such a combination does not teach or suggest all of the claim limitations. Claims 4, 6-7, 17, 19, 23, 25-27, 33, 35-36, and 45 each depend from and incorporate the limitations of one of independent claims 1, 29, and 46 discussed previously. The primary reference, *Nobileau*, does not disclose each and every element of the independent claims, and more specifically does not disclose a sleeve and a carrier. Furthermore, the secondary references are not cited by the Examiner for the purpose of providing such missing elements of independent claims 1, 29, and 46. Thus, Applicants respectfully submit that a prima facie case of obviousness has not been established as to dependent claims 4, 6-7, 17, 19, 23, 25-27, 33, 35-36, and 45.

Supplemental IDS

Applicants direct the Examiner's attention to the supplemental IDS filed concurrently herewith, which makes of record prior art from the related U.S. Pat. App. Serial No. 10/352,809.

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CONCLUSION

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections and objections is respectfully requested by Applicants. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Office Action dated March 23, 2005 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.
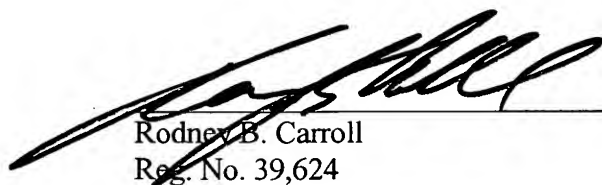
If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,

CONLEY ROSE, P.C.

Date: 6-21-05

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